

App. F. IX-4

Previous References.

Later References.

File No. 24580

Serial Nos. 25

## GENERAL AND REVENUE SECRETARIAT

Serial Nos. 25

Part B for March 54.

### SUBJECT

W.A. ... 19 of 10 June ... 1954  
R. ... 3-1

CB. 345

Mysore Legislative Assembly,  
May-June, 1951.

SHORT NOTICE QUESTION

Sri H. C. Linga Reddy (Kolar District--General).--

Short Notice Question No. 19. Will the Government be pleased to state.--

a) whether the States Ministry, Government of India, has sent instructions to all Part B States, including Mysore that in the matter of high appointments such as Chief Secretary, I.G.P., Public Service Commission, etc. that <sup>the</sup> Government of India should be consulted and approval taken;

b) whether they have taken any steps to have the State exempted from these instructions and if so, the result?

Cp  
MATH

To kindly indicate if the Hon'ble Minister consents to allow this question to be put at short notice and if so kindly to have the usual copies of answers furnished and to also kindly indicate on what date of the Session the question may be taken up for answer.

Hon'ble CHIEF MINISTER )

82  
21/5/51

M. L. A. Budget Despatch 1957.

Short notice Qu. No. 19.

1227/chs

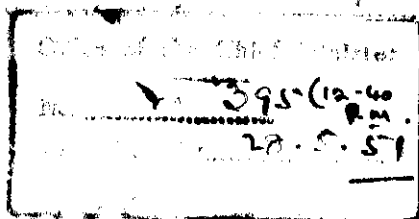
Continuation Sheet.

File No.  
Current No.

of

Page

MINUTE OF THE CHIEF MINISTER.



Draft reply may please  
be put up.

K. C. A.

28/5/57

Chief Sec.

xxx



28/5/57

Submitted

A copy of the statement to be made before the House as approved by Govt. of India ~~but~~ with certain modifications made by the Hon. Chief Minr. in the last two sentences is put up as instructed.

2) It is submitted that the Govt. of India have approved the statement subject to the deletion of the last two sentences. Since the Hon. Ch. Minr. has modified <sup>part of the st.</sup> ~~this statement~~ it is for consideration whether it is not necessary

M. L. A. Budget Session 1957.  
Short Notice Question No. 19.

Continuation Sheet.

File No.  
Current No.

of

1227  
enr.

Page

again to send it to Govt of India  
since they have specifically stated  
that those two sentences, should be  
deleted.

HPD  
28.5.57  
3) A further reference to  
the Govt. of India would be  
necessary if the statement to be  
made to the House is different  
from that agreed to by them.

28.5.57  
4) A draft telegram to be sent  
in cipher is put up, as instructed, for  
consideration.

Received back  
with instructions.

28.5.57  
5) Doubt & Fair<sup>of the</sup> enciphered telegram  
are put up for favour of signature.

KS  
29/5  
Chief Secy)

28.5.57  
6) Temp R  
29.5.57

29/5/57

Issued Express cipher telegram to "Foreign",  
New Delhi, 29/5/57.

KS  
29/5

Submitted

The cipher message no. O.T.P. 13/57. A) 31-5-57, received to day is put up for perusal.

H.A.D.  
1.6.57.

Reply telegram no. O.T.P. 13/57. A) 31-5-57. From the port. of India.

1) Submitted for perusal. Ref: Para 4

H.A.D.  
1.6.57.

2) For perusal.

3) May also be mentioned in Council.

H.A.D.  
1.6.57.

Ch. min

6

1/6/57

1) The short notice H.C.D. question cannot be answered as there is no time to answer - H.C.D.

1/6/57

2) If it could be it may be answered - answer intended file plus the clause printed out in the reply telegram of 31-5-57 H.C.D.

1/6/57

Ch. min

6

1/6/57



Continuation Sheet.

File No.  
Current No.

of 1227/12 Page

13) A copy of the revised draft statement including the two sentences suggested by the Govt. of India is put up for approval before sending replies to the three questions of the emergency session.

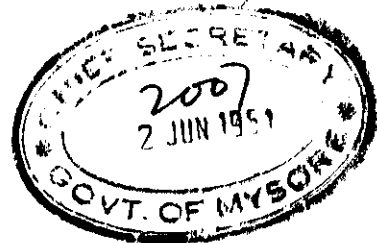
7  
1

14) It is too late to answer the short notice question as the Assembly is being adjourned today.

15) for approval

Ch. Min.

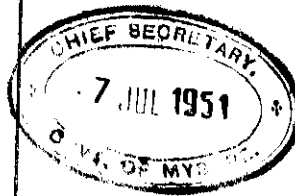
7/6/51



1) Please link this with the main file on the subject and bring up later

|                              |        |
|------------------------------|--------|
| Office of the Chief Minister |        |
| No.                          | 1984   |
| Date                         | 2.6.51 |

Koca  
6/7/51



Ch. Min.

7/7/51  
ama

17) Draft reply is put up for approval  
(Chief Secy)

18) 7/11/51

13-11-51

M.L.A. May-June Session 1957

General and Revenue  
• Secretariat

Short notice question No 19  
File No. 1227/chs of 195 Re Art 371 [App. F. III-2]

Serial  
No.

19) Extracts from the file No. 4818/chs are reproduced below:

+ + + + +

" 4. Replies to the remaining questions may be furnished to the Secretary of the L.A. Some of them relate to the provisions of article 371 in respect of which Mysore has since secured exemption.

(Chief Minister) dated E.V.G. 13/1/52 "

" 5. dated K.C.R. 15/2/52 "

+ + + + +

10) A copy of the reply received from the Secretary, Mysore Legislature is placed below.

A copy of the Ministry of Law notification dated 7/12/51 exempting the Mysore State from the operation of article 371 is also placed below.

11) The draft reply already put up at paragraph 17 and an alternative revised draft reply now proposed are for consideration.

(Chief Secy)

3/3/52

3/3/52

may be approved

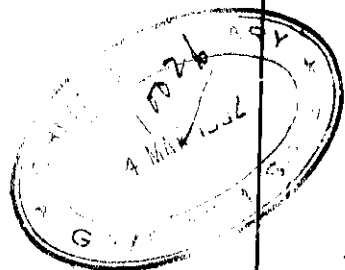
8/3/52

10/3/52

22/3/52

22/3/52

Ph m...  
Replies sent to the office of  
of the H.L.A. on 27/3/52



NOTE—Contn. Sheet.

No. 13/51.

O. T. P.

To: CHISEC BANGALORE.

IMPORTANT.

60165 TOP SECRET. K.C.REDDY from Hon'ble Gopalaswami Ayyangar. Your telegram No.6/51 of 29th May. Statement sent with Mysore Government's letter No. C.H.S.490 of 13th April 1951 as modified in our letter F.290-P/50 of 21st April 1951 should be adequate reply to questions. If you like, you may add following sentences:

[ " The Memorandum on Part B States have in practice therefore not been applied to and does not apply in all its terms to Mysore. On the question of exemption from article 371 we will be discussing the matter further with the Hon'ble Minister for States during my next visit to Delhi." ]

"FOREIGN"  
31-5-51.

subhd:

K3  
1/6/51

*Subh.*

1.6.51.

TELEGRAM:

FOREIGN

NEW DELHI

IMMEDIATE

SECRET. 6/51 FOR HONOURABLE SHRI N GOPALASWAMI AYYANGAR  
FROM K C REDDY

REFERENCE CORRESPONDENCE SUBJECT ARTICLE 371  
OF CONSTITUTION AND MEMORANDUM OF RELATIONSHIP  
PART B STATES AND YOUR RECENT DISCUSSIONS WITH  
SRIS BASHYAM AND MARIAPPA STOP QUESTIONS  
AGAIN TABLED BY MEMBERS OF LEGISLATURE PRESSING  
FOR INFORMATION REGARDING APPLICABILITY OF  
MEMORANDUM TO MYSORE AND STEPS TAKEN FOR  
SECURING EXEMPTION STOP PROPOSE REPLYING  
MEMORANDUM INAPPLICABLE TO MYSORE STATE AND  
QUESTION OF EXEMPTION BEING URGED BY GOVERNMENT  
OF MYSORE AND UNDER CONSIDERATION BY GOVERNMENT  
OF INDIA STOP VERY ESSENTIAL TO DISCLOSE  
INFORMATION TO SATISFY LEGISLATURE AND PUBLIC  
OPINION STOP PRESUME NO OBJECTION TO THE  
SAME STOP MATTER IS OF UTMOST URGENCY

CHISEC

(NOT TO BE TELEGRAPHED)

Bangalore,  
29th May 1951.

*Curran ap. ab.*  
Chief Secretary to the Govt. of Mysore,

TELEGRAM.

FOREIGN

NEW DELHI

FOR HONOURABLE SHRI N GOPALASWAMI

*Ayyangar*  
~~AYANGAR~~ FROM K C REDDY

REFERENCE CORRESPONDENCE ~~ENDING WITH~~  
MINISTRY OF STATES LETTER NO F 290-8-P/51  
DATED 25 APRIL 51 SUBJECT ARTICLE 371 OF  
CONSTITUTION - ~~INTERPELLATIONS IN STATE~~  
~~LEGISLATURE STOP~~ QUESTIONS AGAIN TABLED  
BY MEMBERS OF LEGISLATURE *pressing for* REQUESTING  
INFORMATION REGARDING APPLICABILITY OF  
*to Mysore*  
MEMORANDUM / AND STEPS TAKEN FOR SECURING  
EXEMPTION STOP *Categorically* PROPOSE REPLYING / MEMORANDUM  
INAPPLICABLE TO MYSORE STATE AND ~~THE~~ QUESTION  
OF EXEMPTION *Sympathetic* ~~UNDER~~ CONSIDERATION BY ~~THE~~  
GOVERNMENT OF INDIA STOP GRATEFUL FOR  
FAVOURABLE DECISION GRANTING EXEMPTION FROM  
OPERATION OF ARTICLE *means for* 371 AND / CONCURRING *in*  
REPLY ~~YES~~ PROPOSED TO BE MADE ON FLOOR OF  
~~MYSORE~~ LEGISLATURE STOP *Immediate reply*  
*requested*

*28.5.51*

Mysore Legis. Assembly. May-June 1957.

Short notice question.

Sri H. C. Lingappa Reddy (Kolar Dt. - Genl).

Short & Notice Question No. 19.

Will the Govt. be pleased to state:-

a) Whether the State Ministry, Govt. of India, has sent instructions to all princely states including Mysore that in the matter of high appointments such as Ch. Secy, D. J. P., Dist. Sec. Comm. etc. that the Govt. of India should be consulted and approval taken.

b) Whether they have taken any steps to have the state exempted from these instructions and if so the result.

~~(a) No.~~

(b) Please see the statement appended (Vol 7)

(in the file placed at the table on 5/12/57)

Ch. Secy to Govt.

10.11.57

13.11.57

Statement to be made on the floor of the  
Legislative Assembly.

---  
In September 1950, the Government of India forwarded for information and guidance a copy of a Memorandum on the relationship between the Government of India and the Governments of Part B States. The arrangements outlined in the Memorandum were intended inter alia to regulate the powers of the State Legislature and the Ministry's responsibility to it, and the Memorandum itself was issued in pursuance of the special responsibility which the Government of India have for exercising general control and giving particular directions in appropriate cases under Article 371 of the Constitution. The main features of the arrangements were the appointment of (a) Regional Commissioners as (1) the agent of, and the Adviser to, the Government of India, and (ii) Adviser to the Rajapramukh; (b) Advisers to the State Government and (c) provision for previous approval of the Government of India in respect of (i) important legislation (ii) budgets and (iii) key appointments.

The question of the nature and extent of the applicability of the provisions of Article 371 of the Constitution with regard to Mysore was at once taken up for examination. Steps were also taken, through personal discussion and by means of demi-official correspondence, to seek exemption from the operation of this article, and to get an assurance from the Government of India that this Memorandum will not apply to Mysore State. It has now been ascertained that the policy of the Government of India in respect

of the operation of Article 371 remains the same as that clearly stated by the Hon'ble Minister for States on the floor of the Parliament on 12th October 1949. The following extract from that statement bears on the subject:

"It is quite obvious that in this matter the states e.g., Mysore and Travancore-Cochin Union where democratic institutions have been functioning for a long time and where Governments responsible to Legislature are in office are to be treated differently from the States not conforming to these standards. In all these cases, our control will be exercised in varying degrees according to the requirements of each case. The proviso to the Article gives us the necessary discretion to deal with each case on its merits."

The position and requirements of Mysore State had been carefully considered when the article was adopted. The Government of India have accepted the fact that the State of Mysore stands on a different footing from other States.

"The Memorandum on Part B States has in practice therefore not been applied to and does not apply in all its terms to Mysore. On the question of exemption from Article 371 we will be discussing the matter further with the Hon'ble Minister for States during my next visit to Delhi".

2.6.57.

DRAFT)

MYSORE LEGISLATIVE ASSEMBLY,

May-June Session 1951.

Short notice Question.

.....

Sri H.C.Linga Reddy (Kolar District - General).

Question No.19.

Will the Government be pleased to state:

Reply.

Service a) whether the States Ministry, Government of India, has sent instructions to all part 'B' States including Mysore that in the matter of high appointments, such as, Chief Secretary, I.G.P., Public Commission, etc. that the Government of India, should be consulted and ~~aff~~ approval taken.

--No--

b) whether they have taken any steps to have the State exempted from these instructions and if so, the result.

Reference is invited to the Government of India, Ministry of Law Notification dated 7.12.51 (a copy appended).

*Am*  
*h/27/52* CHIEF SECRETARY TO GOVERNMENT.

*hng*  
*3/3/52*

*3.3.52.*

The Secretary, Mysore Legislature is requested to advise whether replies to questions remaining un-answered at the end of a session require to be answered and if so, under what rule or convention.

Secretary L.A.)

2. Id. K.M.N.  
22-11-51.

3. From 1943, the practice was followed in respect of the Legislative Council to treat the questions remaining un-answered at the end of a session as 'postponed' questions and for answers thereto to be laid on the table of the House by the Leader of the House at the next session. The Statement by the Hon'ble President, Legislative Council, made on 21st December 1943 is placed below.

4. This practice is being followed in respect of the Legislative Assembly also and in fact on 4-8-1950, 1-2-1951 and 5-4-1951 the Hon'ble Chief Minister, as Leader of the House has placed answers to postponed questions on the table.

Asst. Secretary)  
C.B.

Intd G.S.V. 3/1/52

~~Intd G.S.V.~~  
~~3-1-52.~~

"Copy"

GOVERNMENT OF INDIA

MINISTRY OF LAW

NOTIFICATION

NEW DELHI, THE 7TH DECEMBER 1951.

S.R.O.1977. The following Order made by the President is published for general information:

G.O.35

THE MYSORE STATE (CESSER OF CENTRAL CONTROL) ORDER,  
1951.

In exercise of the powers conferred by the proviso to Article 371 of the Constitution of India, the President is pleased to make the following Order, namely:-

1. (1) This Order may be called the Mysore State (Cesser of Central Control) Order, 1951.  
(2) It shall come into force at once.
2. The provisions of Article 371 of the Constitution shall not apply to the State of Mysore.

RAJENDRA PRASAD,

PRESIDENT,

K.V.V.SUNDARAM,

SECRETARY.

\*\*\*\*\*

"COPY"

**\* MYSORE LEGISLATIVE ASSEMBLY.**

**May-June Session 1951.**

**---**

**Short notice question.**

**...**

**Sri H.C. Linga Reddy (Kolar District - General).**

**Question No. 19.**

**Will the Government be pleased  
to state:**

**R e p l y.**

- a) whether the States Ministry, Government of India, has sent instructions to all part 'B' States including Mysore that in the matter of high appointments, such as, Chief Secretary, Inspector-General of Police, Public Service Commission, etc., that the Government of India should be consulted and approval taken.

**NO**

- b) whether they have ~~the~~ taken any steps to have the State exempted from these instructions and if so, the result.

**Reference is invited  
to the Government of  
India, Ministry of  
Law Notification  
dated 7.12.1951  
(copy appended)**

*Sum*  
*25/12*  
**/Chief Secretary to Government.**  
*ks*

GOVERNMENT OF INDIA

MINISTRY OF LAW

NOTIFICATION.

New Delhi, the 7th December 1951.

S.R.O. 1977.

The following Order made by the President is published for general information:

G.O. 35

*Control*

THE MYSORE STATE (CESSER OF CENTRAL) ORDER,  
1951.

In exercise of the powers conferred by the proviso to Article 371 of the Constitution of India, the President is pleased to make the following Order, namely:-

1. (1) This Order may be called the Mysore State (Cesser of Central Control) Order, 1951.  
(2) It shall come into force at once.
2. The provisions of Article 371 of the Constitution shall not apply to the State of Mysore.

RAJENDRA PRASAD,  
PRESIDENT.

K.V.K. SUNDARAM,  
SECRETARY.

"Copy"

(~~K.M. Ramakrishnaiah~~)  
~~for Chief Secretary to Government.~~